

**Amendments to the Claims:**

The following listing of claims replaces all other versions of claims previously presented.

**Listing of Claims:**

1 (Currently Amended): A fuel cell system, comprising:

a fuel cell which generates power by supplying an oxidizing agent and a hydrogen-containing gas to an electrolyte membrane,

a water supply device which supplies water to the fuel cell, and

a controller functioning to:

estimate a restart time when the fuel cell is restarted,

estimate a shift of an outside air temperature,

compute a first energy amount required when the system is protected by a first protection mode which prevents freezing of water in the system by heating water supplied to the fuel cell when the fuel cell has stopped, and a second energy amount required when the system is protected by a second protection mode which prevents freezing of water in the system by discharging water from the fuel cell when the fuel cell has stopped, respectively based on the estimated restart time and outside air temperature shift,

select the first protection mode when the first energy amount is less than the second energy amount, and select the second protection mode when the first energy amount is larger than the second energy amount as a protection mode used when the fuel cell has stopped, [[and]]

protect the system with the selected protection mode,

correct the estimated restart time when the fuel cell is not restarted although a predetermined time after the estimated restart time has elapsed, and

perform the protection mode selection again based on the corrected restart time.

2 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:  
a sensor which detects day and time, and wherein  
the controller further functions to estimate the shift of outside air temperature based on  
the detected day and time.

3 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:  
a sensor which detects a position of the system, and wherein  
the controller further functions to estimate the shift of outside air temperature based on  
the detected system position.

4 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:  
a sensor which detects an illumination surrounding the system, and wherein:  
the controller further functions to estimate the shift of outside air temperature based on  
the detected illumination.

5 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:  
a device into which climatic information is input, and wherein:  
the controller further functions to estimate the shift of outside air temperature based on  
the input climatic information.

6 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:  
a sensor which detects the outside air temperature, and wherein:  
the controller further functions to correct the estimated outside air temperature shift based  
on the difference between the outside air temperature obtained from the estimated outside air  
temperature shift and the detected outside air temperature.

7 (Previously Presented): The fuel cell system as defined in Claim 1, wherein:

the controller further functions to apply a difference between an actual restart time when the fuel cell actually restarts and the estimated restart time, to the estimation of restart time on the next occasion.

8 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:

a device into which a driver inputs the restart time, and wherein:

the controller further functions, when there is an input restart time, to estimate that the fuel cell restarts at the input restart time.

9 (Canceled)

10 (Currently Amended): The fuel cell system as defined in Claim ~~[[9]]~~ 10, wherein:

the controller further functions to correct the estimated restart time based on a difference between the estimated restart time and an actual restart time.

11 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:

a sensor which detects a remaining energy amount in the system, and wherein:

the controller further functions to stop protection of the fuel cell in the first protection mode when the detected remaining energy amount in the system is less than a predetermined value.

12 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:

a sensor which detects an oxygen concentration outside the system, and wherein:

the controller further functions to stop protection in the first protection mode when the detected oxygen concentration outside the system is lower than a predetermined value.

13 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:

a device which issues an alarm when the remaining energy amount in the system is less than a predetermined value.

14 (Previously Presented): The fuel cell system as defined in Claim 1, wherein:

the controller further functions to start thawing ice which has frozen outside the fuel cell from a predetermined time prior to the estimated restart time when the system is protected in the second protection mode.

15 (Previously Presented): The fuel cell system as defined in Claim 1, further comprising:

a switch which starts the fuel cell, and wherein:

the controller further functions to stop protecting the system and start the fuel cell when the switch is operated when the system is protected by the first or second protection mode.

16 (Currently Amended): A method of protecting a fuel cell system having a fuel cell which generates power by supplying an oxidizing agent and a hydrogen-containing gas to an electrolyte membrane, and a water supply device which supplies water to the fuel cell, the method comprising:

estimating a restart time when the fuel cell is restarted,

estimating a shift of an outside air temperature,

computing a first energy amount required when the system is protected by a first protection mode which prevents freezing of water in the system by heating water supplied to the fuel cell when the fuel cell has stopped, and a second energy amount required when the system is protected by a second protection mode which prevents freezing of water in the system by

discharging water from the fuel cell when the fuel cell has stopped, respectively based on the estimated restart time and outside air temperature shift,

selecting the first protection mode when the first energy amount is less than the second energy amount, and selecting the second protection mode when the first energy amount is larger than the second energy amount as a protection mode used when the fuel cell has stopped, [[and]]

protecting the system with the selected protection mode,

correcting the estimated restart time when the fuel cell is not restarted although a predetermined time after the estimated restart time has elapsed, and

performing the protection mode selection again based on the corrected restart time.

17 (Currently Amended): A fuel cell system, comprising:

a fuel cell which generates power by supplying an oxidizing agent and a hydrogen-containing gas to an electrolyte membrane,

a water supply device which supplies water to the fuel cell,

means for estimating a restart time when the fuel cell is restarted,

means for estimating a shift of an outside air temperature,

means for computing a first energy amount required when the system is protected by a first protection mode which prevents freezing of water in the system by heating water supplied to the fuel cell when the fuel cell has stopped, and a second energy amount required when the system is protected by a second protection mode which prevents freezing of water in the system by discharging water from the fuel cell when the fuel cell has stopped, respectively based on the estimated restart time and outside air temperature shift,

means for selecting the first protection mode when the first energy amount is less than the second energy amount, and select the second protection mode when the first energy amount is

larger than the second energy amount as a protection mode used when the fuel cell has stopped,  
[[and]]

means for protecting the system with the selected protection mode,

means for correcting the estimated restart time when the fuel cell is not restarted although  
a predetermined time after the estimated restart time has elapsed, and

means for performing the protection mode selection again based on the corrected restart  
time.